

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL GRETZINGER and)	
ANGELA GRETZINGER, individually)	
and on behalf of all others similarly)	Case No.: 19-CV-01233-SMY
situated,)	
)	
Plaintiffs,)	
v.)	
)	
AIR METHODS CORPORATION,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

COME NOW Plaintiffs, Michael Gretzinger and Angela Gretzinger (hereinafter "Plaintiffs"), by and through their attorneys, Mathis, Marifian & Richter, Ltd., and Walton Telken, and for their Motion for Leave to File Second Amended Complaint, submit the following:

1. Federal Rule of Civil Procedure 15(a)(2) provides that a party may amend its pleading before trial with leave of court.
2. Leave to amend should be freely given when justice so requires. *Runnion ex rel. Runnion v. Girl Scouts of Greater Chicago & Nw. Indiana*, 786 F.3d 510, 519 (7th Cir. 2015).
3. Plaintiffs acknowledge that a class has been certified in *Tom Wagner et al. v. Air Methods Corporation*, 19-cv-00484 ("Wagner"), currently pending in the United States District Court for the District of Colorado, which class includes Plaintiffs and certain of the members of the putative class in this action.
4. Plaintiffs have chosen to opt out of the *Wagner* class, and pursue their claims individually.

5. Plaintiffs therefore request leave to amend their Complaint to remove all class allegations.

6. Simultaneously submitted for the Court's review is Plaintiffs' proposed Second Amended Complaint and a proposed order permitting Plaintiffs to file the same.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court GRANT their Motion for Leave to File Second Amended Complaint, and such other and further relief as the Court deems just and proper.

Respectfully Submitted,

MATHIS, MARIFIAN & RICHTER, LTD.

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2021, I electronically filed the foregoing with the Court using the CM/ECF system, which will send notification of such filing, via electronic mail, to all attorneys of record

s/Mark S. Schuver